

## APPENDIX K

### HAZARDOUS MATERIALS (HAZMAT) EXCEPTIONS

#### A. EXCEPTIONS

Information in this appendix addresses waivers and exemptions to provisions of this Regulation, Part II, Cargo Movement, Chapter 204, in handling HAZMAT during unit deployments.

#### B. WAIVERS

Department of Defense (DOD) Components having operational control of a specific location, operation, or exercise may waive DOD Component's regulations for the handling of ammunition, explosives, and other HAZMAT. They will ensure compliance with Host Nation (HN) regulations. DOD Components, to include Combatant Commanders, cannot waive provisions of United States (US) 49 Code of Federal Regulations (CFR), or International Maritime Dangerous Goods Code (IMDGC). Requests for exemptions to these rules must be processed as indicated below.

#### C. EXEMPTIONS

1. Exemptions are issued by the Department of Transportation (DOT) on a case-by-case basis for deviations from 49 CFR (for Continental United States shipments only) ([http://hazmat.dot.gov/exemptions\\_index.htm](http://hazmat.dot.gov/exemptions_index.htm)). The shipper will submit the exemption request to their Service focal point, as listed in this Regulation, Part II, Chapter 204, Table 204-1. Air Force Interservice Manual 24-204(I), Technical Manual 38-250, Marine Corps Order (MCO) P4030.19H, Naval Supply Pub 505, and Defense Logistics Agency Instruction (DLADI) 4145.3, Preparing Hazardous Materials for Military Air Shipments, and Army Regulation 700-143, Air Force Instruction (Interservice) 24-210, DLAD 4145.41, Naval Supply Instruction 4030.55B, MCO 4030.40B Packaging of Hazardous Material provides additional details. The shipper is responsible for providing exemption documentation to the mobility force. A copy of the exemption must accompany each shipment. The mobility force will accept non-compliant material for air transport only when accompanied by a DOT exemption. Exemptions to IMDGC will be granted by the International Maritime Organization and/or DOT via Competent Authority Approval or DOT-E- (exemptions).
2. The Military Surface Deployment and Distribution Command (SDDC) Operations Center, in coordination with the DOT, will act as the DOD proponent for exemption requests. Transportation Officers (TO) and Mobility Officers (MO) will submit requests through Service representatives to the Operations Center. The Operations Center will notify Service representatives and requester of results. If continental US shipment is Jones Act ocean transportation, the Military Sealift Command (MSC), in coordination with DOT, will act as the DOD proponent for exemption requests. TOs and MOs will submit requests thru Service representatives to SDDC which will process the requests in coordination with MSC.

3. Exemption requests for 49 CFR and IMDGC will contain the following information:
  - a. Provision(s) requiring exemption.
  - b. Detailed description of proposal, including plans, drawings, calculations, procedures, test results, previous exemptions, approvals, or permits; a list of specifications or modified containers, if any, to be used; and any other supporting information.
  - c. Hazard identification must include proper shipping name, hazard classification, packaging description, quantity, chemical name and characteristics of the material, and other pertinent information.
  - d. Describe all relevant shipping and accident experience.
  - e. Specify the proposed mode(s) of transportation, identifying any increased risks likely to result if the exemption is granted.
  - f. Justification for the exemption, to include:
    - (1) Why existing regulations are not appropriate.
    - (2) How public or DOD interests are served.
    - (3) How exemption affects safety concerns.
4. Submit requests for extensions or renewals of an exemption through Service representatives to SDDC, Attn: SDG3-DF.
  - a. Routine requests must be submitted 120 days prior to the need for the exemption.
  - b. Applicant seeking to have the request processed on a priority basis (less than 120 days) must provide additional justification to support raising the priority.
5. DOT exemptions are available for mobility exercises and actual operations. Shippers can request additional exemptions or assistance on use of existing exemptions through their Service representatives. Current exemptions are available on the SDDC web page at [http://hazmat.dot.gov/exemptions\\_index.htm](http://hazmat.dot.gov/exemptions_index.htm) or the DOT web page at <http://hazmat.dot.gov/exsys.htm>.

#### **D. MOBILITY CONSIDERATIONS FOR AMMUNITION SHIPMENTS THROUGH NON-AMMUNITION SEAPORTS**

1. Ammunition and explosives are normally routed through authorized ammunition ports. During mobility operations, these shipments may be processed through non-ammunition ports, either military or civilian. Port commanders coordinate ammunition shipments through military and commercial ports within their area of responsibility. Each non-ammunition port has unique restrictions for processing ammunition and explosive shipments through their facility. Shippers must contact the port commander to obtain information required by a specific port. Shippers will provide required information to the port commander, and will ensure the port commander has issued port operations approval prior to release of ammunition and explosives from origin.

Coordination must also be made between the Combatant Commander and HN port authority when using other than designated HN ports.

2. Shippers are responsible for obtaining all required exemptions.
3. Port commanders are responsible for coordinating arrival of ammunition and explosive shipments at non-ammunition ports. Port commands will obtain all required waivers. Such waivers may grant permission to exceed Net Explosive Weight restrictions, alter temporary storage provisions, or conduct unusual loading operations.
4. Shippers and port command must ensure Military Sealift Command local representatives:
  - a. Receive all pertinent shipment information prior to obtaining US Coast Guard permits.
  - b. Receive all pertinent shipment information to obtain HN permits.

#### **E. USE OF CONTRACTED COMMERCIAL AIRCRAFT TO TRANSPORT EXPLOSIVES AND OTHER HAZMAT**

Commercial airlift of explosives and other hazardous materials may be authorized aboard DOD contracted commercial carriers under certain tactical, contingency, or emergency conditions. For specific applications, refer to AFMAN 24-204(I)/TM 38-250/MCO P4030.19H/NAVSUP Pub 505/DLAI 4145.3.

**THIS PAGE INTENTIONALLY LEFT BLANK**